

**Notice of Allowability**

Application No.

10/734,358

Examiner

Wes Tucker

Applicant(s)

ABDOLLAHI ET AL.

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendmnet filed 7-19-06.
2. ☒ The allowed claim(s) is/are 1-3, 6-15 and 17-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's response filed July 19<sup>th</sup> has been entered and made of record.
2. Applicant has not amended any claims. Claims 4, 5 and 16 have been cancelled. Claims 1-3, 6-15 and 17-22 are now pending.
3. Applicant's remarks in view of the last presented rejection have been fully considered and found to be persuasive. Applicant has explained the distinguishing elements of the presently recited claims and the prior art references presented, namely the primary reference to Katt et al. The distinguishing features presented in applicant's remarks are further summarized and explained below in the reasons for allowance.

### ***Allowable Subject Matter***

Claims 1-3, 6-15 and 17-22 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's extensive remarks can be found on pages 16-24 in the last response.

The arguments are found persuasive and will be briefly summarized here.

With regard to Claims 1 and 15 and corresponding dependent claims, the reference of Katt discloses a carrier tape with a seal material on top, which is illuminated for inspection purposes. However Katt does not disclose that the light is reflected off the carrier as recited in the claims and does not disclose wavelengths of

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light passing through the packaging materials as the light does not pass through the carrier tape. In view of applicant's remarks the claims as recited are distinguished from the prior art of Katt.

With regard to claims 10, 20 and 22 and corresponding dependent claims, Applicant's remarks make the same distinctions with regard to the primary Katt reference. Applicant also makes arguments with regard to the secondary references of King and Mullins. In view of applicant's remarks the claims as recited are distinguished from the prior art of Katt and King and Mullins.

With regard to claims 12 and 21 and corresponding dependent claims, Applicant's remarks make the same distinctions with regard to the primary Katt reference. Applicant also makes arguments with regard to the secondary reference of King with regard to the fluorescing excitation light source. In view of applicant's remarks the claims as recited are distinguished from the prior art of Katt and King.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

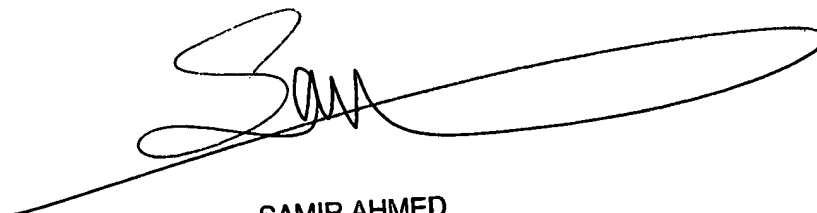
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-2214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

8-1-06



**SAMIR AHMED  
PRIMARY EXAMINER**